

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application : Mark B. Spitzer et al.  
 Application No. : Unassigned  
 Filed : HERewith  
 For : BINOCULAR VIEWING SYSTEM  
 Attorney's Docket : MIOPT-010XX

Group Art Unit: Unassigned

\*\*\*\*\*  
 I hereby certify that this correspondence is being deposited with the  
 United States Postal Service as first class mail in an envelope  
 addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA  
 22313-1450 on \_\_\_\_\_.

By: \_\_\_\_\_

Beverly E. Hjorth  
 Registration No. 32,033  
 Attorney for Applicants

\*\*\*\*\*

INFORMATION DISCLOSURE STATEMENT

BOX PATENT APPLICATION  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Sir:

It is desired to cite for the record in this application the  
 enclosed references listed on the attached copy of PTO Form #1449. The  
 paragraph(s) marked below are applicable to this Information Disclosure  
 Statement.

[X] (1) Pursuant to 37 C.F.R. § 1.97(b)(1) and (2), the attached  
 Information Disclosure Statement is being filed within three  
 months of the filing date of the above identified national  
 application or within three months of the date of entry of the  
 national stage as set forth in 37 C.F.R. § 1.491 of the above  
 identified application. Accordingly, applicant(s) believes that  
 no fee or statement under 37 C.F.R. § 1.97(e) is required.

[ ] (2) Pursuant to 37 C.F.R. § 1.97(b)(3), applicant(s) believes the  
 attached Information Disclosure Statement is being filed before  
 the mailing date of a first Office action on the merits.  
 Accordingly, applicant(s) believes that no fee or statement under  
 37 C.F.R. § 1.97(e) is required.

Express Mail Number

-1-

EV044747255US

- ☐ (3) Pursuant to 37 C.F.R. § 1.97(b)(4), applicant(s) believes the attached Information Disclosure Statement is being filed before the mailing date of a first Office action after the filing of a request for continued examination under § 1.114. Accordingly, applicant(s) believes that no fee or statement under 37 C.F.R. § 1.97(e) is required.
- ☐ (4) Pursuant to 37 C.F.R. § 1.97(c), the attached Information Disclosure Statement is being filed before the mailing date of a final action or a notice of allowance and is accompanied by:
- ☐ a statement under 37 CFR § 1.97(e); or
- ☐ the fee set forth in § 1.17(p).

PETITION UNDER 37 CFR § 1.97(d)

- ☐ (5) Pursuant to 37 CFR § 1.97(d), applicant(s) hereby petitions the Commissioner to consider the attached Information Disclosure Statement which is being filed on or before payment of the issue fee. This petition is accompanied by a statement under 37 C.F.R. § 1.97(e) and the petition fee set forth in 37 C.F.R. § 1.17(p).

STATEMENT UNDER 37 C.F.R. § 1.97(e)(1)

- ☐ (6) The undersigned hereby states that each item of information contained in the attached Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

STATEMENT UNDER 37 C.F.R. § 1.97(e)(2)

- ☐ (7) The undersigned hereby states that no item of information contained in the attached Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in the attached Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

The filing of this Information Disclosure Statement is not a representation by the undersigned as to personal knowledge of the contents of every word or phrase of the material enclosed or that reliance on other suitably trained professionals has not been made.

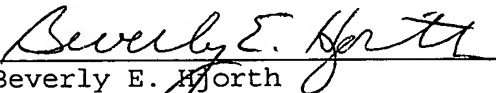
Application No. Unassigned  
Filed: HEREWITH  
Group Art Unit Unassigned

If a search report of a searching agency is enclosed identifying the nature of the relevance of each document, such a designation is deemed to satisfy 37 C.F.R. § 1.98(a)(3) even if in a foreign language because the codes are the same in all languages. However, applicant(s) does not necessarily adopt the position reflected by that report.

The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 23-0804. Triplicate copies of this letter are enclosed.

Respectfully submitted,

MARK B. SPITZER ET AL.

By:   
Beverly E. Hjorth  
Registration No. 32,033  
Attorney for Applicants

WEINGARTEN, SCHURGIN,  
GAGNEBIN & LEOVICI LLP  
Ten Post Office Square  
Boston, Massachusetts 02109

Telephone: (617) 542-2290  
Telecopier: (617) 451-0313

BEH/knr  
Enclosures  
291665-1

Date: September 5, 2003

Page 1 of 2

<b>U.S. DEPARTMENT OF COMMERCE</b> <b>PATENT AND TRADEMARK OFFICE</b>  <b>INFORMATION DISCLOSURE CITATION</b> <i>(Use several sheets if necessary)</i>				ATTY. DOCKET NO. MIOPT-010XX		APPLICATION NO. Unassigned	
				APPLICANT: Mark B. Spitzer et al.			
				FILING DATE HEREWITH		GROUP Unassigned	
<b>U.S. PATENT DOCUMENTS</b>							
EXAMINER INITIAL		DOCUMENT NUMBER	PUBLICATION/ ISSUE DATE	NAME	CLASS	SUBCLASS	FILING DATE
		US 4,704,000	Nov. 3, 1987	Pekar et al.	350	145	
		US 4,729,648	Mar. 8, 1988	Armstrong	350	578	
		US 4,884,137	Nov. 28, 1989	Hanson et al.	358	108	
		US 4,961,626	Oct. 1990	Fournier et al.	350	174	
		US 5,003,300	Mar. 26, 1991	Wells	340	705	
		US 5,106,179	Apr. 21, 1992	Kamaya et al.	351	158	
		US 5,129,716	July 14, 1992	Holakovszky et al.	351	50	
		US 5,281,957	Jan. 25, 1994	Schoolman	345	8	
		US 5,334,991	Aug. 2, 1994	Wells et al.	345	8	
		US 5,384,654	Jan. 24, 1995	Iba	359	364	
		US 5,446,507	Aug. 29, 1995	Chang	351	158	
		US 5,585,871	Dec. 17, 1996	Linden	351	158	
		US 5,671,037	Sept. 23, 1997	Ogasawara et al.	351	158	
<b>FOREIGN PATENT DOCUMENTS</b>							
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES      NO
		DE 36 23 206 A	Jan. 21, 1988	Germany			X
		WO 99 23524	May 14, 1999	WIPO			X
		WO 95 11473 A	Apr. 27, 1995	WIPO			X
		EP 0 825 470 A	Feb. 25, 1998	EPO			X
<b>OTHER DOCUMENTS (including Author, Title, Date, Pertinent Pages, etc.)</b>							
	Ferrin, Frank J., "An update on optical systems for military head mounted displays", presented at SPIE's "AeroSense", April 5-9, 1999, 8 pages.						
	"Personal Monitor" brochure, Albacomp Computers Corp., Hungary, 1997.						
<b>EXAMINER</b>				<b>DATE CONSIDERED</b>			
*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.							

Date: September 5, 2003

Page 2 of 2

<b>U.S. DEPARTMENT OF COMMERCE</b> <b>PATENT AND TRADEMARK OFFICE</b>  <b>INFORMATION DISCLOSURE CITATION</b> <i>(Use several sheets if necessary)</i>				ATTY. DOCKET NO. MIOPT-010XX		APPLICATION NO. Unassigned	
				APPLICANT: Mark B. Spitzer et al.			
				FILING DATE HEREWITH		GROUP Unassigned	
<b>U.S. PATENT DOCUMENTS</b>							
EXAMINER INITIAL		DOCUMENT NUMBER	PUBLICATION/ ISSUE DATE	NAME	CLASS	SUBCLASS	FILING DATE
		US 5,682,173	Oct. 28, 1997	Holakovszky et al.	345	8	
		US 5,712,649	Jan. 27, 1998	Tosaki	345	8	
		US 5,719,588	Feb. 17, 1998	Johnson	345	8	
		US 5,751,493	May 12, 1998	Hur	359	630	
		US 5,815,126	Sept. 1998	Fan et al.	345	8	
		US 5,886,822	Mar. 23, 1999	Spitzer	359	630	
		US 6,023,372	Feb. 8, 2000	Spitzer et al.	359	630	
		US 6,081,304	06/27/00	Kuriyama et al.	348	838	
		US 6,091,546	July 18, 2000	Spitzer	359	618	
		US 6,204,974	Mar. 20, 2001	Spitzer	359	630	
		US 6,349,001	Feb. 19, 2002	Spitzer	359	618	
		US 6,353,503	Mar. 5, 2002	Spitzer et al.	359	630	
		US 6,356,392	Mar. 12, 2002	Spitzer	359	630	
		US 6,384,982	May 7, 2002	Spitzer	359	630	
<b>FOREIGN PATENT DOCUMENTS</b>							
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES      NO
<b>OTHER DOCUMENTS</b> <i>(including Author, Title, Date, Pertinent Pages, etc.)</i>							
<b>EXAMINER</b>				<b>DATE CONSIDERED</b>			
*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.							

BEH/ken/291651